

Thomas S. Brazier, Esq./ SBN 055484
Jeffrey F. Oneal, Esq./ SBN 129072
LaMORE, BRAZIER, RIDDLE & GIAMPAOLI
1570 The Alameda, Suite 150
San Jose, California 95126-2305
Telephone: (408) 280-6800
Facsimile: (408) 275-6284

Attorneys for Defendants
SWD TRANSPORT LLC and
ESTATE OF MARK WAYNE DARRAH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAROLYN BRYAN AND DAVID CLARK,

Plaintiffs,

v.

MARK WAYNE DARRAH, SWD TRANSPORT
LLC, and DOES 1 to 10, inclusive,

Defendants.

Case No.: C-08-03480 EMC

**ORDER TO MEDIATE AND SELECTION
OF ADR PROCESS**

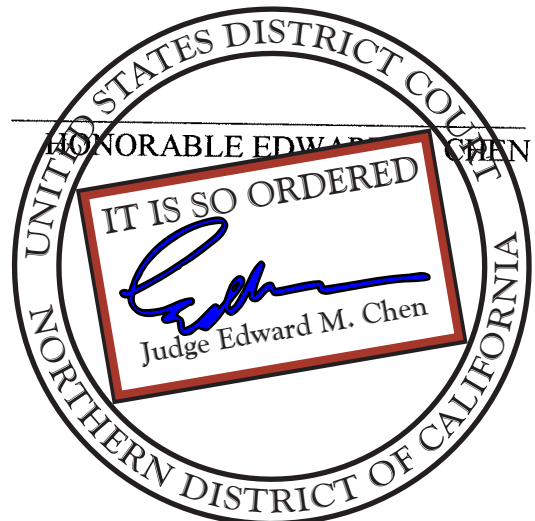
Courtroom: C, 15th Floor

Judge: Honorable Edward M. Chen

IT IS HEREBY ORDERED that the parties shall engage in private mediation to be held no later than April 28, 2009. Each party shall share equally in the fees to the mediator. The mediator as selected by the parties shall be Chris Lavdiotis, Esq.

Dated: September 22, 2008

By:



CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in the county aforesaid; I am over the age of eighteen years, and not a party to the within action; my business address is 1570 The Alameda, Suite 150, San Jose, California. On the date set forth below I served the documents described below:

[PROPOSED] ORDER TO MEDIATE AND SELECTION OF ADR PROCESS

on the following person(s) in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ron Maidenberg, Esq.
3645 Grand Avenue, Suite 307
Oakland, CA 94610
Telephone: 510-444-3330
Facsimile: 510-444-3527

Attorney for Plaintiff
CAROLYN BRYAN AND DAVID CLARK

- ☐ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Jose, California.
- ☐ (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).
- ☒ (BY ELECTRONIC MAIL) I caused such document(s) to be transmitted by electronic mail on this date to the offices of addressee(s).
- ☐ (BY FACSIMILE) I caused such document(s) to be transmitted by facsimile on this date to the offices of addressee(s).
- ☐ (BY FEDERAL EXPRESS) I caused such envelope(s) with all fees fully prepaid to be placed in the Federal Express office at San Jose, California.
- ☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED on September 16, 2008 at San Jose, California.


Sheila Mollett

15651-097